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May 27, 2005

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U.S. DISTRICT COURT
2005 JUN -1 A 10:55

U.S. DISTRICT COURT
DISTRICT OF MASS.

Honorable F. Dennis Saylor
411 Harold D. Donohue Federal Building
United States District Court
595 Main Street
Worcester, MA 01608

Re: Kenneth and Pamela Jean v. Ashburnham Police, et al
C.A. No. 03-12306FDS

Dear Judge Saylor:

I hope you will forgive me for writing to you directly, but I felt obliged to correct the record as to allegations that were made about me personally.

On Friday, May 13, 2005, at the request of the defendants, the court held an emergency hearing by teleconference. It now turns out that there was no emergency and there was no need to conduct an emergency hearing by teleconference. However, at the time, I was in the Chelsea District Court on another matter and able to join only by a cellular phone with a poor cellular connection. Accordingly, you directed me not to speak, but to allow Mr. Stern to speak on behalf of the plaintiffs.

I had and continue to have no complaint with your instruction that I allow Mr. Stern to speak, given the circumstances. However, now that the dust has cleared, I hope you will allow me this opportunity to respond to several misrepresentations made regarding the automatic disclosure prepared by me on behalf of the plaintiffs.¹

The alleged basis for the "emergency" was that claim that plaintiffs had failed to disclose that they had copies of transcripts of the defendants' testimony in some of the underlying criminal trials in which they testified against the plaintiffs. The suggestion that I "hid" anything by failing to disclose anything in the initial automatic disclosure is not accurate.

As you can see in the automatic disclosure I served upon defense counsel [a copy of which is attached hereto], section two, entitled "Documents Relevant to Plaintiff's Claims and Defenses" after listing some 26 items, copies of which were provided to each defendant (including the criminal trial transcript of one of the trials upon criminal charges brought by the

¹Mr. Stern was unable to comment on this, as he was not counsel at the time that automatic disclosure was made.

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defendants against plaintiffs Kenneth and Pamela Jean) I note at the bottom "plaintiff suggests that other court pleadings from the underlying criminal prosecutions may be relevant and that such additional court pleadings are available to the defendants."

Thus, plaintiffs' initial automatic disclosure clearly identified tapes of the criminal proceedings as relevant documents. Defendants' true complaint is that I did not provide them with copies of trial transcripts (which I did not have at that time) or advised them that I had obtained the transcripts, which I had no obligation under the rules to do. The suggestion that somehow I did not give defendants notice of the existence of the criminal transcripts is misleading at best, as it is hard to imagine that defense counsel did not know of or realize that their clients' testimony at the criminal proceedings against the plaintiffs was relevant.

The second misrepresentation is that the defendants suggested that I failed, in the automatic disclosure, to identify Officer Walsh as a person with knowledge or information regarding the claims and defenses. While I do not specifically name Officer Walsh, I do note, in section one of the Automatic Disclosure, that there are Officers Doe and Poe of the Ashburnham Police, "other Ashburnham Police Officers" and other "Winchendon Police Officers", indicating that there were officers in addition to those whose names I could readily identify at the time I prepared the automatic disclosure.

The implication that I "concealed" these two pieces of information from the defendants suggests some improper conduct on my part. Such insinuation is simply not true and I feel obliged to write to correct the record on this count.

I thank you for your attention and consideration to this matter and again apologize for having to direct this directly to you, but I am quite troubled as my good name is my most valuable asset as an attorney.

Yours truly,



Andrew M. Fischer

AMF:ms

Enclosure

cc: John J. Cloherty, III, Esquire
Regina Ryan, Esquire
Austin M. Joyce, Esquire
Nancy Frankel Pelletier, Esquire
Mark Stern, Esquire

jean\ltjudgesaylor

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KENNETH AND PAMELA PRICE JEAN *

*

*

Plaintiffs *

*

*

v. *

*

*

CITY OF ASHBURNHAM POLICE *

*

DEPARTMENT, CITY OF WINCHENDON *

*

POLICE DEPARTMENT, ROB HARRINGTON, *

*

in his capacity as CHIEF OF THE WINCHENDON * C.A. NO. 03-12306MLW

*

POLICE DEPARTMENT, JACK MURRY, in his *

*

capacity as CHIEF OF THE ASHBURNHAM *

*

POLICE DEPARTMENT, TODD C. PARSONS *

*

RAYMOND M. ANAIR, ROBERT BRENNON, *

*

WILLIAM P. GEOFFROY, BRIAN HART, *

*

KEVIN AHEARN, KEVIN E. WOLSKI *

*

OFFICER JOHN DOE, OFFICER JOHN POE. *

*

*

Defendants *

*

PLAINTIFFS' AUTOMATIC DISCLOSURE PURSUANT TO LOCAL RULE 26.2(A)

Pursuant to Local Rule 26.2(A), the plaintiffs, Kenneth and Pamela Price Jean, hereby make the following automatic document disclosure:

1. Possible witnesses or individuals with information regarding claims and defenses:

- a. Plaintiff Kenneth Jean;
- b. Plaintiff Pamela Price Jean;
- c. Patrolman Todd C. Parsons, Ashburnam Police Department;
- d. Patrolman Raymond M. Anair, Ashburnam Police Department;
- e. Sargent Robert Brennon, Ashburnam Police Department;
- f. Patrolman Kevin C. Ahearn
- g. Patrolman Brian Hart
- h. Officer John Doe, Ashburnam Police Department;
- i. Officer John Poe, Ashburnam Police Department;
- j. Ashburnam Police Chief Jack Murry;
- k. Other Ashburnam police officers;
- l. Officer Kevin E. Wolski, Winchendon Police Department;
- m. Officer William P. Geoffroy, Winchendon Police Department;
- n. Winchendon Police Chief Rb Harrington;

o. Other Winchendon police officers;
p. Ms. Donna Shuffelton, plaintiff's secretary;
q. Mr. Kenneth Holmquist, Ashburnham Massachusetts, plaintiffs' former neighbor.

The Plaintiffs reserve the right to supplement the list as more information becomes available to them.

2. Documents relevant to plaintiff's claims and defenses, provided herewith:

- a. Criminal Complaint in Winchendon District Court 0170CR000633
(Exhibit A);
- b. Ashburnham Police Department Arrest Report #01-248-AR (Exhibit B);
- c. Ashburnham Police Department Narrative Report - Patrolman Ahearn
Exhibit C);
- d. Ashburnham Police Department Narrative Report - Sergeant Brennan
Exhibit D);
- e. Ashburnham Police Department Narrative Report - Patrolman Hart
Exhibit E);
- f. Ashburnham Police Department Arrest Report #00-5-AR (Exhibit F);
- g. Criminal Complaint in Winchendon District Court 0170CR000215;
(Exhibit G)
- h. Ashburnham Police Department Summons Report # 01-106-AR
(Exhibit H);
- i. Ashburnham Police Department Narrative Report - Patrolman Parsons
(Exhibit I);
- j. Winchendon Police Department Arrest Report #01-198-AR (Exhibit J);
- k. Winchendon Officers' Narrative Reports - Patrolmen Wolski &
Baranowski 5/24/01 (Exhibit K);
- l. Ashburnham Police Department affidavit (Exhibit L);
- m. Photographs of plaintiffs injuries (available for inspection at the offices
of Jason and Fisher) (Exhibit M);
- n. Criminal trial transcript of Commonwealth v Kenneth and Pamela Jean
0170CR0632 5/13/02 and 5/14/02 (Exhibits N-1, N-2);
- o. Massachusetts Fire Incident Report (Exhibit O);
- p. Criminal Complaint in Winchendon District Court 0170CR000214
(Exhibit P);
- q. Winchendon District Court Pretrial Conference Report (Exhibit Q);
- r. Medical Records for Pamela Jean and Kenneth Jean from Fallon Clinic
in Leominster, Massachusetts (Exhibits R-1, R-2);
- s. Criminal Complaint in Winchendon District Court 0170CR000632
(Exhibit S);

- t. Winchendon District Court's memorandum of decision (**Exhibit T**);
- u. Criminal Complaint in Winchendon District Court 0170CR000103 (**Exhibit U**);
- v. Winchendon Police Department Arrest Report #01-1114-AR (**Exhibit V**);
- w. Massachusetts Uniform Citation #H5958562 (**Exhibit W**);
- x. Notice of Probation Violation and Hearing (**Exhibit X**);
- y. Ashburnham Police Arrest Report (**Exhibit Y**);
- z. Letter from the RMV dated 1/07/00 (**Exhibit Z**).

Plaintiffs suggest that other court pleadings from the underlying criminal prosecutions, may be relevant and that such additional court pleadings are available to the defendants.

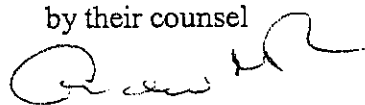
3. Insurance: Not applicable.

4. Expert Witnesses: Not yet determined.

The plaintiffs by this disclosure consider their obligations under Local Rule 26.2(A) to be currently fulfilled. The plaintiffs recognize their obligation to supplement this disclosure if further information relevant thereto comes into their possession.

Respectfully submitted,
Kenneth Jean, et al
by their counsel

Date: 11/12/04

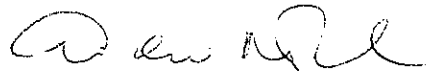


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CERTIFICATE OF SERVICE

I, Andrew M. Fischer, hereby certify that on this date I served a copy of the above document on the defendants by mailing a copy, first class, postage prepaid to John J. Cloherty, III, Pierce, Davis, Perritano, LLP, Ten Winthrop Square, Boston, MA 02110; Regina Ryan, Merrick, Louison & Costello, 67 Battery March Street, Boston, MA 02110; Austin M. Joyce, Edward P. Reardon, P.C., 397 Grove Street, Worcester, MA 01605; and to Nancy Frankel Pelletier, Robinson Donovan, P.C., 1500 Main Street, Ste. 1600, Springfield, MA 01115-5609.

Date: 11/12/04



Andrew M. Fischer

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